IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.1480 of 2007

Shri Khalil Gafoor Shaikh — Petitioner
Vs.
State of Maharashtra — Respondent

Mr.Rameshwar N.Gite for petitioner.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

November 1, 2007.

P.C.

. Heard Mr.Gite, the learned counsel for the petitioner who is present before the Court. He is the owner of a tempo truck under Registration No. MH-15-AG-9557 and the said vehicle has been seized by the police in C.R.No.10 of 2005 along the cattle. The cattle were released as per the order passed by the learned Addl. Sessions Judge at Nashik on 24/8/2005.

. After a period of about two years the petitioner approached the learned Judicial Magistrate, First Class at Dindori by his application registered as Misc. Application No.35 of 2007 and prayed for release of the said vehicle. This application has been rejected on 17/2/2007 and

Criminal Revision Application No.102 of 2007 challenging the said order has also been rejected by the learned Addl. Sessions Judge on 18/6/2007.

Hence this petition.

. The petitioner has placed an affidavit before this Court thereby furnishing an undertaking that he shall not use the said vehicle for transportation of cattle at any time in future if the said vehicle is released. He further undertakes that the vehicle will be used only for the purposes which are recognised under the licence conditions. It is necessary that such an undertaking is furnished to the trial Court as well as to the nearest Police Station. The petitioner appears to be a self employed person and the commercial vehicle seems to be his bread earning source. Therefore, it would be appropriate that the said vehicle is released subject to the undertaking to be furnished as noted above.

. Hence the petition is allowed and it is directed that the commercial vehicle which is popularly known as tempo under Registration No. MH-15-AG-9557, which is presently standing parked in the premises of Vani police station, be released and

handed over to the petitioner subject to his filing an undertaking before the trial Court as well as Vani Police Station within a period of three weeks from today.

(B.H.MARL